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Georgiev *et al.*
Appl. No. 09/462,625

Remarks

Rejections Under 35 U.S.C. § 102

Claims 53-72 73, 75-77, 79-83, 85-91, and 93 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kustikova *et al.*, *Genetika* 32:621-628 (1996) and Kustikova *et al.*, *Russian J. of Genetics* 32:540-546 (1996). Applicants respectfully traverse the rejection.

Attached herewith is a Statement from the Russian Journal of Genetics confirming that the cited *Genetika* journal was "printed out after July 20, 1996 and released to subscribers in August" and the cited *Russian J. of Genetics* was "printed out in December 1996." As the captioned application claims priority benefit to U.S. Appl. No. 08/893,764, filed July 11, 1997, the two documents were not described in a printed publication "more than one year prior to the date of the application" under 35 U.S.C. § 102(b). The cited documents do not qualify as 35 U.S.C. § 102(b) art.

Applicants filed a copy of the executed Declaration of Dr. Sergei Kiselev Under 37 C.F.R. § 1.132 on July 16, 2003. In the Declaration, Dr. Kiselev, a co-inventor, stated that the documents cited by the Examiner are the result of his own work. Therefore, the two documents cited by the Examiner are not "by others" under 35 U.S.C. § 102(a). Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102(b) (or under § 102(a)).

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Double Patenting Rejection

Claims 53-64 remain rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-10 of U.S. Patent No. 6,172,211-B1. Submitted herewith is a Terminal Disclaimer to obviate the rejection.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Second Supplemental Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Judith U. Kim

Judith U. Kim
Attorney for Applicants
Registration No. 40,679

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

:ODMA\MHQDMA\SKGF_DC1\207992\1

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Gubkin Str. 3, 119991 Moscow, Russia Phone: (7-095) 135-62-13 Fax: (7-095) 132-89-62

To whom it may concern

This letter is written to confirm that paper of KUSTIKOVA et al., Genetika 32: 621-628 (1996) and paper KUSTIKOVA et al., Russian J. Genetics 32: 540-546 (1996) are the same but first one was published in Russian while the second was the same paper translated and published in the English version of the issue. Because of the different languages publication format is different thus explaining pages difference. Russian version of the journal was printed out after July 20, 1996 and released to subscribers in August. English version was printed out in December 1996.

Executive editor

 prof. Alexei Ryskov